

## **RULE 41**

### **DISMISSAL OF ACTIONS**

#### **(a) Dismissal Upon Settlement**

Within thirty (30) days after counsel notify the Clerk that an action has been settled, counsel shall execute and file the papers necessary to terminate the action as of record. Upon failure of counsel to do so, the Court shall enter an order as of course dismissing the action with prejudice but without costs, subject to the right of any party to move to reinstate the action within one year after the entry of the order if the settlement is not consummated.

#### **(b) Court Approval of Settlements on Behalf of Minors**

No approval of settlement of actions on behalf of minors will be given unless a verified motion is filed signed by the parent or guardian containing the following information where applicable:

- (1) A brief description of the accident and of all injuries sustained;
- (2) An itemized statement of all medical expenses;
- (3) The total amount of the settlement and whether the bills are to be paid out of the total settlement or are being paid in addition as part of the parent's or guardian's claim. If the parent is being paid anything directly, the motion shall contain a statement of the total amount being paid the parent and a specification of the items covered;
- (4) Whether the settlement was negotiated by counsel actually representing the minor and, if so, the amount claimed as attorney's fees; and
- (5) The amount to be deposited on behalf of the minor and the name of the savings institution preferred by the parent or guardian.